



## RAVALLI COUNTY ATTORNEY

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TO: Ravalli County Commissioners ✓

CC: Judge Jim Bailey  
Judge Robin Clute  
Debbie Harmon, Clerk of Court

FROM: Alex Beal, Deputy

AB

DATE: December 18, 2007

RE: MACo memo re: December 24 closures

I am in receipt of the Memo from Jack and Harold at MACo regarding the December 24 holiday closures and their opinion that MCA § 7-4-2211 does not give you authority to close the county businesses from 3-5p.m. on December 24<sup>th</sup>. I could not disagree more. As you are well aware, you have very limited powers—just those specifically enumerated in statute. This is one of those specifically enumerated powers. You may set the hours that the county offices are open at your discretion. Many of your counterparts in Eastern Montana have county offices open only a few days a week, and Commissions that meet once a month. I am not sure what phantom MACo is afraid of, but they are tilting at windmills. Their memo was inexplicable, gratuitous, and grinchy. You made your decision at a properly noticed public meeting. There is no legal issue at all with giving county employees two hours off on the 24<sup>th</sup>, with pay.

As for MACo's second email, I agree entirely with Jack. MCA § 3-1-302 applies to our justice courts, and the President has declared December 24, 2007 as a holiday. Incidentally, this does not apply to the Clerk of Court's office as they work for a separately elected non-judicial officer. A Presidential declaration has triggered a hidden provision of state law. We would run afoul of numerous labor laws if we told employees that they could not come to work and that we would not pay them. Thus, as advice I offer the following haiku:

Unfunded mandate  
Accident though it may be  
All Courts closed with pay

Clerk of Court open  
Because Debbie not a judge  
Two hours off still

If you have any further questions regarding these memos, please do not hesitate to ask.